

Atty. Dkt. No. 10017364-1

REMARKS

This Reply is in response to the Office Action mailed on October 7, 2005.

I. **Claim Rejections 35 USC § 102**

Paragraph 2 of the Office Action rejected claims 1-28 under 35 USC § 102(b) as being anticipated by Natori (USP 4908717). Applicant respectfully traverses these rejections as set forth below.

Applicant submits that Natori does not anticipate claim 1 because Natori fails to disclose "a self-propelled light bar assembly supported within the scanner body" as recited in claim 1. Applicant has provided a clear definition of "self propelled" in the specification. Pursuant to this definition, Natori does not disclose a "self-propelled light bar assembly" as recited in claim 1.

Specifically, in the present specification, Applicant defines "self propelled" as follows.

"By "self propelled" I mean that the light bar assembly contains the drive source (i.e., the motive source which drives the light bar assembly relative to the scanner body)." Specification, page 30 lines 20-22 (paragraph 0030).

The MPEP expressly permits an Applicant to define terms in the specification and mandates that such definitions control claim meaning. In particular, an "applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." MPEP 2111.01(III).

Further, the MPEP requires that the definition set forth in the specification control during prosecution. ("Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the

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claim."). Id. Consequently, in the claims, "self-propelled light bar assembly" must be given the meaning of a light bar assembly that contains the drive source (i.e., the motive source which drives the light bar assembly relative to the scanner body) as defined in the specification. The motor 24 of Natori is not contained in the light source unit 10 of FIG. 4 and, as such, Natori fails to anticipate claim 1. Withdrawal of this rejection is requested.

Claims 2-10 depend upon claim 1 and are therefore allowable for at least the same reasons claim 1 is allowable. Withdrawal of the rejection of these claims is requested for this reason. These claims also recite additional features not disclosed by Natori.

For example, claim 5 recites "a biasing member configured to urge the drive wheel towards the drive track." This limitation is not disclosed in Natori. Further, the Office Action fails to identify such a biasing member in the Natori reference. Withdrawal of the rejection of this claim is requested for this additional reason.

As another example, claim 7 recites "wherein the drive wheel includes a rubberized outer portion, and the drive track has a non-smooth surface to allow the rubberized outer portion of the drive wheel to engage the drive track." This limitation is not disclosed in Natori. The Office Action fails to identify such a rubberized outer portion of the drive wheel. Withdrawal of the rejection of this claim is requested for this additional reason.

As yet another example, claim 9 recites "a rotary electric motor." Applicant submits that Natori does not disclose this feature. Also, the Office Action does not identify such a feature in the Natori reference. As such, Natori does not anticipate claim 9 for this additional reason.

As an additional example, claim 10 recites "a linear electric motor." Applicant submits that Natori does not disclose this feature. Also, the Office Action does not

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identify such a feature in the Natori reference. As such, Natori does not anticipate claim 10 for this additional reason.

Claim 11 is amended to recite "the light bar assembly configured to move the drive motor and the light source together." Applicant submits that Natori fails to disclose this feature in that the Natori motor 24 does not move with the light source unit 10. As such, Natori does not anticipate claim 11 as amended. Withdrawal of this rejection is requested.

Claims 12-15 depend upon claim 11 and are allowable for at least the same reasons claim 11 is allowable. Withdrawal of these rejections is requested.

Claim 12 also recites that "the drive wheel contacts the inside upper surface of the scanner body." Applicants submit that this feature is not disclosed in Natori. Further, the Office Action fails to identify such an inside upper surface which a drive wheel contacts. Consequently, Natori does not anticipate claim 12 for this additional reason. Withdrawal of this rejection is requested.

Claim 14 also recites "biasing members." Applicants submit that this feature is not disclosed in Natori. Further, the Office Action fails to identify such biasing members. As such, Natori does not anticipate claim 14 for this additional reason.

Claim 16 recites "a magnet-track portion of a linear electric motor fixedly supported within the scanner body." Natori does not disclose this feature. In this regard, Natori discloses the following regarding the motor 24.

"A light source driving system for allowing the light source unit to move parallel along the guide rail means 7, 8 comprises carriages 20, 21 attached to both end portions of the rod 11, a cable 22 connected to the carriage 20, gears 23 for driving the cable 22, and a driving motor 24 for rotating the gears 23. These cable 22, gears 23 and motor 24 constitute a driving means 25." Col. 5, lines 29-35.

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As can be seen, Natori does not mention "a magnet-track portion of a linear electric motor fixedly supported within the scanner body." Consequently, Applicant submits that Natori does not anticipate claim 16. Withdrawal of this rejection is requested.

Claims 17-22 depend upon claim 16 and are allowable for at least the same reasons claim 16 is allowable. Withdrawal of these rejections is requested. These claims also recite other features not disclosed by Natori. For example, claim 21 recites "a linear encoding strip." Natori does not disclose such a linear encoding strip.

Claim 23 recites a "motive source supported by the light bar assembly" and "moving the light bar assembly along the stationary track using the motive source." The Natori motor 24 does is not supported by a light bar assembly and does not move with the light bar assembly along a track. As such, Natori does not anticipate claim 23. Withdrawal of this rejection is requested.

Claims 24 and 25 depend upon claim 23 and are allowable for at least the same reasons claim 23 is allowable. Withdrawal of this rejection is requested.

Claims 26-28 are cancelled, thus rendering moot the rejections thereof.

II. New claims

New claims 29-32 are presented for consideration and allowance. These claims distinguish over Natori at least by reciting "a motor in fixed association with the light such that the light and the motor are moved together." Consideration and allowance of these new claims is requested.

III. Conclusion.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

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CONCLUSION

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,
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